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PATENT
Customer No. 22,852
Attorney Docket No. 06502.0490-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Jakob NIELSON) Group Art Unit: 2161
)
Application No.: 08/865,841) Examiner: Frantz Coby
)
Filed: May 30, 1997)
)
For: ADAPTIVE META-TAGGING OF) Confirmation No.: 8979
WEBSITES)

Attention: Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO NOTIFICATION OF
NON-COMPLIANT APPEAL BRIEF (37 C.F.R. § 41.37(d))**

In response to the Notification of Non-Compliant Appeal Brief (the "Notice") mailed October 10, 2006, Appellant provides the attached paper providing a summary of the claimed subject matter as required by 37 C.F.R. § 41.37(c)(1)(v). Per MPEP § 1205.03, the attached paper is to be used as a replacement section, entitled "Summary of Claimed Subject Matter," to replace the section having the same title in the Appeal Brief filed on September 27, 2006. In particular, the attached paper corrects the "Summary of Claimed Subject Matter" section of the Appeal Brief, by providing a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number, and to the drawings.

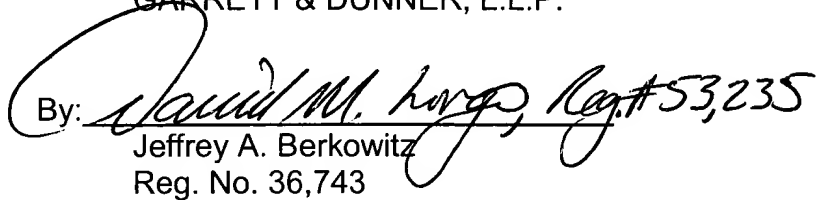
Accordingly, Appellant submits that the attached paper, a replacement section for the Appeal Brief filed on September 27, 2006, is fully responsive to the Notice and corrects any deficiencies in the Appeal Brief. Appellant respectfully requests that the Office accept the attached paper for consideration with the Appeal Brief.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 9, 2006

By:  Reg. # 53,235
Jeffrey A. Berkowitz
Reg. No. 36,743

Attachment: Replacement Section for "Summary of Claimed Subject Matter"



SUMMARY OF CLAIMED SUBJECT MATTER (REPLACEMENT SECTION)

Independent claim 1 is directed to a web server for information retrieval, comprising a bus, information storage accessible through the bus and containing stored information, a network interface connected to the bus, and a processor connected to said bus. See, for example, specification at page 8, line 20 - page 10, line 16 and Figs. 1A, 1B, and 3. The processor is configured to receive non-predetermined search queries submitted by a client over the network interface and to process the search queries against the stored information. See, for example, specification at page 10, line 17 - page 11, line 19, and Fig. 4. The processor is also configured to provide a list of terms used in the search queries is presented over a period of time. See, for example, specification at page 11, line 20 - page 12, line 7, and Fig. 5. The list of terms is selectively added to the stored information against which the search queries are processed. See, for example, specification at page 10, line 17 - page 11, line 5.

Independent claim 4 is directed to an information retrieval system, comprising a network connected to a plurality of users and at least one web server connected to said network. See, for example, specification at page 10, lines 9-16 and Fig. 3. The server stores items in response to non-predetermined search queries received from the users and is configured to provide a list of terms used in the search queries over a period of time. See, for example, specification at page 10, line 17 - page 12, line 7, and Figs. 4 and 5. The list of terms is selectively added to at least one of the stored items, the at least one of the stored items being selected by selections received from users using a browser. See, for example, specification at page 10, line 17 - page 11, line 5.

Independent claim 7 is directed to a method of enhancing information retrieval in an information retrieval system, comprising storing a list of non-predetermined queries received from a client to a search engine on a website. See, for example, specification at page 10, line 17 - page 12, line 7, and Figs. 4 and 5. The method further comprises storing a list of search terms used in the queries together with the frequency of occurrence of the search terms. See, for example, specification at page 10, line 17 - page 12, line 7, and Figs. 4 and 5. The method further comprises selecting at least a portion of relatively high frequency search terms. See, for example, specification at page 12, line 13 - page 14, line 10, and Fig. 7. The method further comprises processing each search term of the portion and selectively adding each search term to documents or files stored in the system as a meta-tag. See, for example, specification at page 3, lines 15 - 21 and page 13, line 20 - page 14, line 10.

Independent claim 13 is directed to a method of enhancing information retrieval in an information retrieval system, comprising storing a list of non-predetermined terms used in queries received from a client. See, for example, specification at page 10, line 17 - page 12, line 2, and Figs. 4 and 5. The method further comprises storing, with the list, a frequency of occurrence of the terms. See, for example, specification at page 10, line 17 - page 12, line 2, and Figs. 4 and 5. The method further comprises adding at least one term selected from the list based on the frequency of occurrence to at least one document to be searched containing the term as a meta-tag and stored at a web server. See, for example, specification at page 3, line 22 and page 13, line 20- page 14, line 10.

Independent claim 14 is directed to a method of enhancing information retrieval in an information retrieval system, comprising generating a master term list of non-predetermined terms used in queries received from a client by the information retrieval system over a first period of time. See, for example, specification at page 11, line 6 - page 12, line 2, and Fig. 5. The method further comprises generating a new term list of terms used in queries received by the information retrieval system during a later period of time which are not in the master term list. See, for example, specification at page 12, lines 3-7 and Fig. 6. The method further comprises adding, to documents stored at a web server containing the terms, the master term list and the new term list as a meta-tag. See, for example, specification at page 14, lines 5-10, page 16, line 11 - page 17, line 15, page 18, lines 14-26, and Figs. 10A and 11.

Independent claim 18 is directed to a method of enhancing information retrieval in an information retrieval system, comprising sorting non-predetermined query terms, received from a client and presented to the information retrieval system, by frequency of occurrence to provide a term list. See, for example, specification at page 10, line 17 - page 14, line 4, page 15, line 19, and Figs. 4, 5, and 9. The method further comprises eliminating noise words and stop words from the term list. See, for example, specification at page 15, lines 7-19, and Fig. 9. The method further comprises selecting a portion of the term list containing the highest frequency terms. See, for example, specification at page 15, lines 7-19, and Fig. 9. The method further comprises processing the highest frequency terms as candidates for inclusion in documents or files containing the terms as a meta-tag and stored at a web server. See, for example, specification at page 15, line 20 - page 16, line 7, and Fig. 9. The method further

comprises adding the candidates to the documents or files containing the terms as a meta-tag. See, for example, specification at page 15, line 20 - page 16, line 7, and Fig. 9.

Independent claim 19 is directed to a method of assisting a user in indexing a document created by the user, comprising extracting non-predetermined terms used in search queries received from a client and presented to a search engine on a website over a period of time. See, for example, specification at page 11, line 6 - page 12, line 2, and Fig. 5. The method further comprises presenting the extracted terms to the user, receiving a user selection of terms using a browser, and adding the received terms to a document to be searched as a meta-tag and stored at a web server. See, for example, specification at page 16, line 11 - page 18, line 13, and Figs. 10A and 10B.

Independent claim 20 is directed to a method of enhancing information retrieval in a system containing stored documents, comprising identifying a stored document stored at a web server containing a non-predetermined term received from a client and determining if the stored document contains subject matter related to the term. See, for example, specification at page 11, line 6 - page 12, line 2, and Fig. 5. The method further comprises selectively adding the term to the document containing subject matter related to the term as a meta-tag. See, for example, specification at page 3, lines 15-21 and page 13, line 20 - page 14, line 10.

Independent claim 21 is directed to a method of operating an information retrieval system, comprising extracting non-predetermined terms used in search queries received from a client over a period of time and identifying documents or files containing at least one of said terms and stored at a web server. See, for example, specification at

page 11, line 6 - page 12, line 2, and Fig. 5. The method further comprises selectively adding said at least one of said terms to documents or files containing at least one of said terms as a meta-tag. See, for example, specification at page 3, lines 15-21 and page 13, line 20 - page 14, line 10.

Independent claim 23 is directed to a computer program product, comprising a memory medium and a computer program stored on the memory medium. See, for example, specification at page 8, line 2 - page 9, line 16 and Figs. 1A-1C. The computer program product further comprises instructions for storing a list of non-predetermined terms used in queries together with the frequency of occurrence and received from a client, and for adding at least one term selected from the list based on the frequency of occurrence to at least one document containing the term as a meta-tag and stored at a web server. See, for example, specification at page 10, line 17 - page 12, line 7, page 13, line 20 - page 14, line 4, and Figs. 4 and 5.

Independent claim 24 is directed to a computer program product, comprising a memory medium and a computer program stored on the memory medium. See, for example, specification at page 8, line 2 - page 9, line 16, and Figs. 1A-1C. The computer program product further comprises instructions for generating a master term list of non-predetermined terms used in queries received from a client by an information retrieval system over a period of time, for generating a new term list of terms used in queries received by the information retrieval system during a later period of time which are not in the master term list, and adding the master term list and the new term list as a source of terms to documents containing the terms as a meta-tag and stored at a web

server. See, for example, specification at page 11, line 6 - page 12, line 2, page 14 line 5 - page 15, line 6, page 16, line 11 - page 18, line 13, and Figs. 5, 10A, and 10B.

Independent claim 25 is directed to a computer program product, comprising a memory medium and a computer program stored on the memory medium. See, for example, specification at page 8, paragraph 1 - page 9, paragraph 2 and Figs. 1A-1C. The computer program product further comprises instructions for extracting non-predetermined terms used in search queries received from a client and presented to a search engine on a website over a period of time, for presenting the extracted terms to the user, for receiving a user selection of terms, and for adding the received terms to a document to be searched as a meta-tag and stored at a web server. See, for example, specification at page 11, line 6 - page 12, line 2, page 16, line 11 - page 18, line 13, and Figs. 5, 10A, and 10B.

Independent claim 26 is directed to a computer program product, comprising a memory medium located in a web server and a computer program stored on the memory medium. See, for example, specification at page 8, line 2 - page 9, line 16, and Figs. 1A-1C. The computer program product further comprises instructions for extracting non-predetermined terms used in search queries received from a client over a period of time, for identifying documents or files containing at least one of the terms and for selectively adding said at least one of the terms to said documents or files containing the at least one of the terms as a meta-tag. See, for example, specification at page 3, lines 15-21, page 11, line 6 - page 12, line 2, page 13, line 20 - page 14, line 10, and Fig. 5.